

HABITAT CONSERVATION ADVISORY COMMITTEE

for the Washington County Habitat Conservation Plan (HCP)

A **regular meeting** of the Habitat Conservation Advisory Committee (HCAC) was held in the Washington City Council Chambers on **July 26, 2016**.

Committee members present were:

Chris Blake, Chairman	Environmental Organization
Chris Hart, Vice Chairman	Local Development
Henry Maddux	Utah Dept. of Natural Resources (UDNR)
Dawna Ferris-Rowley	Bureau of Land Management (BLM)
Marc Mortensen	Citizen-at-Large
Lynn Chamberlain	HCP Administrator

Absent and excused was:

John Bramall	Mayors Association
Larry Crist	U.S. Fish & Wildlife Service (USFWS)

Also present were:

Lacey McIntyre	Washington County HCP – Recorder
Cameron Rognan	Technical Committee (HCP)
Julie Applegate	St. George News
Susan Crook	Citizen's for Dixie's Future
Jim Raines	Brennan Holdings
Celeste Maloy	Washington County Attorney
Chuck Gillette	Ivins City
Blake Frei	Realtor
Kirk Willey	Developer
Bob Hermandson	Bush and Gudgell
Jessica Mousley	Sentierre
Kent Bylund	Sentierre
Dave Clark	Citizen
Lisa Rutherford	Citizen
Paul Van Dam	Citizen

1. CALL TO ORDER

Chairman Chris Blake called the meeting to order at 1:00 p.m. noting that a quorum was present.

2. CONSENT AGENDA

The Consent Agenda is a means of expediting routine matters which come before the committee for approval. The consent portion of the agenda is approved by one (1) non-debatable motion. If any member wishes to

Approved HCAC Meeting Minutes – July 26, 2016

remove an item from the consent portion of the agenda, then that item becomes the first order of business on the regular agenda.

- a. **Approval of Agenda**
- b. **Review and Approve Regular Meeting Minutes**
 - 1. **June 28, 2016**

Page 2, paragraph 2, sentence 5:

Changed from: "Some parties believed the fence is on private property and needs to be moved while others believe that property beyond the fence is not private, yet is part of the Reserve."

Changed to: "Some parties believed the area 30 feet beyond the current fence is in the Reserve and the fence should remain while others believe that property beyond the current fence is not in the Reserve and the fence should be moved."

Henry Maddux pointed out that the discrepancy was not if the land beyond the current fence was private property, rather if the land beyond that fence was in the Reserve or not.

- c. **Next Meeting Date**
 - 1. **August 23, 2016**

MOTION by Marc Mortensen to approve the Consent Agenda.
Seconded by Chris Hart.
Discussion: None.
Vote was taken: All voted aye.
Motion passed.

3. DECLARATION OF CONFLICTS OF INTEREST

- a. Chris Hart mentioned he has conflict with item 4-b-1, as he was part of a family business that owned the property in question under that item.

4. PRESENTATIONS

- a. **Progress update on pending BLM access right of way (Diamond Valley) – Kirk Willey**

Local Real Estate Developer Kirk Willey presented an update regarding a pending southern access road to a future development in Diamond Valley. The road would pass through UDOT, SITLA, Reserve, and State Park lands, which is shown in Exhibit 4-a-1.

Mr. Willey gave background on the project as well as his efforts thus far to gain approval for a southern access road off SR-18 past Winchester Hills on the east side of the highway. He discussed needing the southern access point due to the size of the community, emergency vehicle response time (Exhibit 4-a-2), and also discussed how this would be an additional road for traffic diversion in case of an emergency on SR-18. He talked to Commissioner Renstrom about the project and possibly getting a variance, but the county would not consider a variance for a project of this size.

b. Ivins boundary discrepancy – Washington County

Mayor Hart asked for a moment to update the committee on a flaw in the information he was commenting on last meeting regarding the area in question. He got a copy of the original plat map and compared it to the one that was in last month's packet, which he believed were the same. With the research he has done since he realized Bill Mader (HCP Administrator at the time) did place the fence on the fence line where the Hart family accepted the HCP boundary was located.

Celeste Maloy, Washington County Attorney, spoke more in depth about the Ivins boundary discrepancy. She walked through a timeline of the history of how that triangle of land in question came into the Reserve. The history began in 1995, and the existing fence was constructed based on the Reserve boundary line in 2001. In 2012, Walt Plumb owned the property and, according to the HCAC minutes in October of 2012, he wanted to dedicate everything behind the existing fence in exchange for a step over access to the Toe Trail. That access was granted in exchange for dedicating the area in question to the Reserve. Legally, even though there is no deed that exchanges hands, an expressed dedication is binding.

5. UTILITY AND DEVELOPMENT PROJECTS

- a. None**

6. GENERAL BUSINESS

- a. Consideration of BLM access right of way in Diamond Valley**

Dawna mentioned the Technical Committee should be referred this project to come up with a recommendation. Committee members did not see any reason to not send this project to the TC for further consideration and recommendation. Cameron Rognan (TC) mentioned most of the committee members agreed this is not high quality tortoise habitat, and they discussed the mitigation ratio. They will discuss further and come up with a concrete number for that mitigation ratio.

MOTION by Chris Hart to send this issue to the Technical Committee for their consideration and evaluation.

Seconded by Dawna Ferris-Rowley.

Discussion: None.

Vote was taken: All voted aye.

Motion passed.

b. Discussion and possible action on Ivins boundary dispute

Chairman Blake said it appears there is an existing boundary that was dedicated, but the most recent plat map shows the boundary to be different. He asked if anyone would like to speak on this subject. Blake Frei (Realtor), Jim Raines, and Bob Hermandson (Bush and Gudgell) spoke about the discrepancy. Jim Raines mentioned there is nothing on record regarding Walt Plumb's dedication. He mentioned the lot owners of that property have title saying they own the property 30 feet beyond that fence. Blake Frei mentioned Lot 332 is currently under contract, pending the answer of this fence. The developer is willing to cooperate with the HCP. The owner of Lot 334, Dave Clark, is here today and spoke about his lot.

Celeste Maloy mentioned that when Walt Plumb legally dedicated everything behind the fence in the HCAC meeting and the HCAC accepted that, the land became dedicated as an expressed dedication. This is not an HCP mistake and must be sorted out by other parties. After much discussion the main consensus was that the developer should talk to Fish and Wildlife as well as an attorney, but there is nothing more the committee can do at this point. The committee and other parties involved suggested a judge decide ownership of this land.

MOTION by Chris Hart to table this issue for a future meeting.

Seconded by Henry Maddux.

Discussion: None.

Vote was taken: All voted aye.

Motion passed.

c. Update on land acquisition efforts – Dawna/Lynn

Dawna mentioned there have been small steps forward on the Long Valley Exchange.

d. Update on permit renewal – Larry/Lynn

Henry Maddux mentioned he spoke with Larry Crist today and they agreed the USFWS will transfer money to the UDNR office for contracting the NEPA work out in order to expedite that part of the process.

e. Technical Committee Report

Cameron Rognan reported on a field trip the TC took to the Sentierre property to explore two trail alignments for a possible trail. Exhibit 6-e-1 is a map showing the trail options in the area. Option 1 is a more direct route connecting from Sentierre to an existing trail. Option 2 was a little longer connecting to a four point intersection. The TC favored Option 1 because it was a more direct route with less impact on the desert

tortoise and habitat. Overall, both the TC and Snow Canyon State Park Committee agreed this project will be beneficial for the public and possibly the desert tortoise as well. They discussed mitigation for the new trail. The Snow Canyon State Park Advisory Committee looked at a couple trail closure proposals. They agreed upon a possible closure of the Toe Trail behind the homes on the east side of Tuacahn Drive. The TC is going to speak about this issue again at the next meeting.

Secondly, Cameron mentioned Kayde Roberts presented on behalf of Ivins and St. George regarding new debris basins in Kayenta and the Pioneer Park area.

Thirdly, the committee discussed Kirk Willey's proposal for the access road in Diamond Valley. The committee wanted him to seek a variance, which it appears he has done and that variance was rejected by the county.

Finally, the Northern Corridor meeting was cancelled so it will be rescheduled and members will attend future meetings as they are asked.

f. HCP Administrator's Report

1. 2nd quarter report submission

Lynn Chamberlain mentioned the 2nd quarter report is included in the committee members' packets for this month. He asked the committee to look it over and bring any questions or comments to the meeting next month.

He also thanked his staff for all their hard work.

7. PUBLIC COMMENT

This item is reserved for items not listed on this agenda. No action may be taken on a matter raised under this agenda item (three minutes per person).

- a. Jim Raines wanted to first thank everyone on their work with the Long Valley exchange. He then mentioned Bob Brennan is still waiting for a plan from the County to acquire his private in holdings in the Reserve.

8. MEMBER REPORTS & REQUEST FOR FUTURE AGENDA ITEMS

- a. None

9. ADJOURN

MOTION by Chris Hart to adjourn the meeting.

Seconded by Marc Mortensen.

Discussion: None.

Vote was taken: All voted aye.

Motion passed.

The meeting was adjourned at 3:00 p.m.
Minutes prepared by Lacey McIntyre.